

*Status: Point in time view as at 08/04/2013. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 36 is up to date with all changes known to be in force on or before 22 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 36

Section 331

#### FURTHER MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

#### BAIL

#### *Bail Act 1976 (c. 63)*

1 The Bail Act 1976 is amended as follows.

#### Commencement Information

- II** Sch. 36 para. 1 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

PROSPECTIVE

- 2 (1) Section 5(6A)(a) (supplementary provisions about decisions on bail) is amended as follows.
- (2) After “examination)” there is inserted “, section 52(5) of the Crime and Disorder Act 1998 (adjournment of proceedings under section 51 etc) ”.
- (3) After sub-paragraph (ii) there is inserted—  
“(ia) section 17C (intention as to plea: adjournment), or”.
- (4) After sub-paragraph (iii) there is inserted “or  
(iia) section 24C (intention as to plea by child or young person: adjournment),”.
- 3 In Part 3 of Schedule 1 (interpretation) for paragraph 2 there is substituted—  
“2 References in this Schedule to previous grants of bail include—  
(a) bail granted before the coming into force of this Act;  
(b) as respects the reference in paragraph 2A of Part 1 of this Schedule (as substituted by section 14(1) of the Criminal Justice Act 2003), bail granted before the coming into force of that paragraph;  
(c) as respects the references in paragraph 6 of Part 1 of this Schedule (as substituted by section 15(1) of the Criminal Justice Act 2003), bail granted before the coming into force of that paragraph;

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- (d) as respects the references in paragraph 9AA of Part 1 of this Schedule, bail granted before the coming into force of that paragraph;
- (e) as respects the references in paragraph 9AB of Part 1 of this Schedule, bail granted before the coming into force of that paragraph;
- (f) as respects the reference in paragraph 5 of Part 2 of this Schedule (as substituted by section 13(4) of the Criminal Justice Act 2003), bail granted before the coming into force of that paragraph.”

**Commencement Information**

**I2** Sch. 36 para. 3 wholly in force at 1.1.2007, see s. 336(3) and [S.I. 2006/3217](#), [art. 2](#) (subject to [art. 3](#))

*Supreme Court Act 1981 (c. 54)*

- 4 (1) Section 81 of the Supreme Court Act 1981 (bail) is amended as follows.
- (2) In subsection (1)(g) after “examination” there is inserted “, section 52(5) of the Crime and Disorder Act 1998 (adjournment of proceedings under section 51 etc) ”.
- (3) In subsection (1)(g) the word “or” at the end of sub-paragraph (ii) is omitted and after that sub-paragraph there is inserted—  
“(ii) section 17C (intention as to plea: adjournment);”.
- (4) In subsection (1)(g) after sub-paragraph (iii) there is inserted “or  
(iii) section 24C (intention as to plea by child or young person: adjournment);”.

**Commencement Information**

**I3** Sch. 36 para. 4 in force at 18.6.2012 by [S.I. 2012/1320](#), [art. 3\(e\)](#)

*Police and Criminal Evidence Act 1984 (c. 60)*

- 5 In section 38(2A) of the Police and Criminal Evidence Act 1984 (bail granted by custody officer after charge)—
- (a) for “2” there is substituted “ 2(1) ”, and
  - (b) after “1976” there is inserted “ (disregarding paragraph 2(2) of that Part) ”.

**Commencement Information**

**I4** Sch. 36 para. 5 wholly in force at 5.4.2004, see s. 336(3) and [S.I. 2004/829](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

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## PART 2

### CHARGING ETC

#### *Criminal Law Act 1977 (c. 45)*

6 In section 39 of the Criminal Law Act 1977 (service of summons and citation throughout United Kingdom) for subsection (1) there is substituted—

“(1) The following documents, namely—

- (a) a summons requiring a person charged with an offence to appear before a court in England or Wales,
- (b) a written charge (within the meaning of section 29 of the Criminal Justice Act 2003) charging a person with an offence,
- (c) a requisition (within the meaning of that section) requiring a person charged with an offence to appear before a court in England or Wales, and
- (d) any other document which, by virtue of any enactment, may or must be served on a person with, or at the same time as, a document mentioned in paragraph (a), (b) or (c) above,

may, in such manner as may be prescribed by rules of court, be served on him in Scotland or Northern Ireland.”

PROSPECTIVE

#### *Magistrates' Courts Act 1980 (c. 43)*

7 The Magistrates' Courts Act 1980 is amended as follows.

8 (1) Section 1 (issue of summons to accused or warrant for his arrest) is amended as follows.

(2) In subsection (3) after “section” there is inserted “ upon an information being laid ”.

(3) In subsection (4) after “summons” there is inserted “ , or a written charge and requisition, ”.

(4) In subsection (6) after “has” there is inserted “ , or a written charge and requisition have, ”.

(5) After subsection (6) there is inserted—

“(6A) Where the offence charged is an indictable offence and a written charge and requisition have previously been issued, a warrant may be issued under this section by a justice of the peace upon a copy of the written charge (rather than an information) being laid before the justice by a public prosecutor.”

(6) After subsection (7) there is inserted—

“(7A) For the purposes of subsection (6A) above, a copy of a written charge may be laid before, and a warrant under this section may be issued by, a single justice of the peace.”

9 In section 150(1) (interpretation of other terms) after the definition of “prescribed” there is inserted—

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““public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003;”.

*Prosecution of Offences Act 1985 (c. 23)*

- 10 (1) Section 15 of the Prosecution of Offences Act 1985 (interpretation) is amended as follows.
- (2) In subsection (1) after the definition of “public authority” there is inserted—
- ““public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003;”.
- (3) In subsection (2), after paragraph (b) there is inserted—
- “(ba) where a public prosecutor issues a written charge and requisition for the offence, when the written charge and requisition are issued;”.

PROSPECTIVE

*Criminal Justice and Public Order Act 1994 (c. 33)*

- 11 (1) Section 51 of the Criminal Justice and Public Order Act 1994 (intimidation, etc, of witnesses, jurors and others) is amended as follows.
- (2) In subsection (9), for the word “and” at the end of the definition of “potential” there is substituted—
- ““public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003;”
- (3) In subsection (10)(a), after sub-paragraph (i) there is inserted—
- “(ia) when a public prosecutor issues a written charge and requisition in respect of the offence;”.

PROSPECTIVE

*Drug Trafficking Act 1994 (c. 37)*

- 12 (1) Section 60 of the Drug Trafficking Act 1994 (prosecution by order of Commissioners of Customs and Excise) is amended as follows.
- (2) In subsection (6) for the word “and” at the end of the definition of “officer” there is substituted—
- ““public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003;”.
- (3) In subsection (6A), after paragraph (a) there is inserted—
- “(aa) when a public prosecutor issues a written charge and requisition in respect of the offence;”.

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PROSPECTIVE

*Merchant Shipping Act 1995 (c. 21)*

- 13 (1) Section 145 of the Merchant Shipping Act 1995 (interpretation of section 144) is amended as follows.
- (2) In subsection (2)(a), after sub-paragraph (i) there is inserted—  
“(ia) when a public prosecutor issues a written charge and requisition in respect of the offence;”.
- (3) After subsection (2) there is inserted—  
“(2A) In subsection (2) above “public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.”

PROSPECTIVE

*Terrorism Act 2000 (c. 11)*

- 14 (1) Paragraph 11 of Schedule 4 to the Terrorism Act 2000 (proceedings for an offence: timing) is amended as follows.
- (2) In sub-paragraph (1), after paragraph (a) there is inserted—  
“(aa) when a public prosecutor issues a written charge and requisition in respect of the offence;”.
- (3) After sub-paragraph (2) there is inserted—  
“(2A) In sub-paragraph (1) “public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.”

*Proceeds of Crime Act 2002 (c. 29)*

- 15 (1) Section 85 of the Proceeds of Crime Act 2002 (proceedings) is amended as follows.
- (2) In subsection (1), after paragraph (a) there is inserted—  
“(aa) when a public prosecutor issues a written charge and requisition in respect of the offence;”.
- (3) After subsection (8) there is inserted—  
“(9) In this section “public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.”

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PROSPECTIVE

*Crime (International Co-operation) Act 2003 (c. 32)*

16 After section 4 of the Crime (International Co-operation) Act 2003 there is inserted—

**“4A General requirements for service of written charge or requisition**

- (1) This section applies to the following documents issued for the purposes of criminal proceedings in England and Wales by a prosecutor—
  - (a) a written charge (within the meaning of section 29 of the Criminal Justice Act 2003),
  - (b) a requisition (within the meaning of that section).
- (2) The written charge or requisition may be issued in spite of the fact that the person on whom it is to be served is outside the United Kingdom.
- (3) Where the written charge or requisition is to be served outside the United Kingdom and the prosecutor believes that the person on whom it is to be served does not understand English, the written charge or requisition must be accompanied by a translation of it in an appropriate language.
- (4) A written charge or requisition served outside the United Kingdom must be accompanied by a notice giving any information required to be given by rules of court.
- (5) If a requisition is served outside the United Kingdom, no obligation under the law of England and Wales to comply with the requisition is imposed by virtue of the service.
- (6) Accordingly, failure to comply with the requisition is not a ground for issuing a warrant to secure the attendance of the person in question.
- (7) But the requisition may subsequently be served on the person in question in the United Kingdom (with the usual consequences for non-compliance).

**4B Service of written charge or requisition otherwise than by post**

- (1) A written charge or requisition to which section 4A applies may, instead of being served by post, be served on a person outside the United Kingdom in accordance with arrangements made by the Secretary of State.
- (2) But where the person is in a participating country, the written charge or requisition may be served in accordance with those arrangements only if one of the following conditions is met.
- (3) The conditions are—
  - (a) that the correct address of the person is unknown,
  - (b) that it has not been possible to serve the written charge or requisition by post,
  - (c) that there are good reasons for thinking that service by post will not be effective or is inappropriate.”

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### PART 3

#### DISCLOSURE

##### *Prosecution of Offences Act 1985 (c. 23)*

- 17 In section 22B of the Prosecution of Offences Act 1985 (re-institution of proceedings stayed under section 22(4) or 22A(5)), in subsection (5)(a) for “section 3, 4, 7 or 9” there is substituted “ section 3, 4 or 7A ”.

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#### Commencement Information

- I5** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

##### *Criminal Justice Act 1987 (c. 38)*

- 18 In section 9 of the Criminal Justice Act 1987 (preparatory hearings in serious fraud cases etc.), paragraphs (i) and (iii) of subsection (5) are omitted.

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#### Commencement Information

- I6** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

##### *Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I. 1988/1846 (N.I. 16))*

- 19 In Article 8 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (preparatory hearings in serious fraud cases etc.), sub-paragraphs (i) and (iii) of paragraph (5) are omitted.

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#### Commencement Information

- I7** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

##### *Criminal Procedure and Investigations Act 1996 (c. 25)*

- 20 The Criminal Procedure and Investigations Act 1996 is amended as follows.

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#### Commencement Information

- I8** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

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- 21 In section 3 (primary disclosure by prosecutor), for the heading there is substituted “**Initial duty of prosecutor to disclose**”.

**Commencement Information**

**I9** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 43(a) (subject to **art. 2(2)**, Sch. 2); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, **art. 2(1)(2)** (subject to **art. 2(3)**)

- 22 In section 4 (primary disclosure: further provisions), in the heading for “**Primary disclosure**” there is substituted “**Initial duty to disclose**”.

**Commencement Information**

**I10** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 43(a) (subject to **art. 2(2)**, Sch. 2); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, **art. 2(1)(2)** (subject to **art. 2(3)**)

- 23 In section 5 (compulsory disclosure by accused), subsections (6) to (9) are omitted.

**Commencement Information**

**I11** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 43(a) (subject to **art. 2(2)**, Sch. 2); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, **art. 2(1)(2)** (subject to **art. 2(3)**)

- 24 In section 6 (voluntary disclosure by accused), subsection (3) is omitted.

**Commencement Information**

**I12** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 43(a) (subject to **art. 2(2)**, Sch. 2); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, **art. 2(1)(2)** (subject to **art. 2(3)**)

- 25 Section 7 (secondary disclosure by prosecutor) shall cease to have effect.

**Commencement Information**

**I13** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 43(a) (subject to **art. 2(2)**, Sch. 2); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, **art. 2(1)(2)** (subject to **art. 2(3)**)

- 26 Section 9 (continuing duty of prosecutor to disclose) shall cease to have effect.

**Commencement Information**

**I14** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 43(a) (subject to **art. 2(2)**, Sch. 2); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, **art. 2(1)(2)** (subject to **art. 2(3)**)



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- 27 In section 10 (prosecutor’s failure to observe time limits), in subsection (1), for paragraph (b) there is substituted—
- “(b) purports to act under section 7A(5) after the end of the period which, by virtue of section 12, is the relevant period for section 7A.”

**Commencement Information**

**I15** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 28 In section 12 (time limits)—
- (a) in subsection (1), for “and 7” there is substituted “, 6B, 6C and 7A(5)”;  
(b) in subsection (5), for “7” there is substituted “ 7A(5) ”.

**Commencement Information**

**I16** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 29 In section 13 (time limits: transitional), for subsection (2) there is substituted—
- “(2) As regards a case in relation to which no regulations under section 12 have come into force for the purposes of section 7A, section 7A(5) shall have effect as if—
- (a) in paragraph (a) for the words from “during the period” to the end, and  
(b) in paragraph (b) for “during that period”,  
there were substituted “as soon as is reasonably practicable after the accused gives the statement in question ”.”

**Commencement Information**

**I17** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 30 In section 14 (public interest: review for summary trials), in subsection (2)(a), for “7(5), 8(5) or 9(8)” there is substituted “ 7A(8) or 8(5) ”.

**Commencement Information**

**I18** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 31 In section 15 (public interest: review in other cases), in subsection (2)(a), for “7(5), 8(5) or 9(8)” there is substituted “ 7A(8) or 8(5) ”.

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#### Commencement Information

**I19** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

32 In section 16 (applications: opportunity to be heard), in paragraph (a) and in the words after paragraph (c), for “7(5), 8(5), 9(8)” there is substituted “ 7A(8), 8(5) ”.

#### Commencement Information

**I20** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

33 In section 17 (confidentiality of disclosed information), in subsection (1)(a), for “7, 9” there is substituted “ 7A ”.

#### Commencement Information

**I21** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

34 In section 19 (rules of court) in subsection (2)(b) and (d), for “7(5), 8(2) or (5), 9(8)” there is substituted “ 5(5B), 6B(6), 6E(5), 7A(8), 8(2) or (5) ”.

#### Commencement Information

**I22** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

35 In section 20 (other statutory rules as to disclosure)—  
 (a) subsection (2) is omitted, and  
 (b) in subsection (5)(a), for “sections 3 to 9” there is substituted “ sections 3 to 8 ”.

#### Commencement Information

**I23** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

36 In section 31 (preparatory hearings in complex cases etc.), paragraphs (a) and (c) of subsection (6) are omitted.

**Status:** Point in time view as at 08/04/2013. This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Criminal Justice Act 2003, SCHEDULE 36 is up to date with all changes known to be in force on or before 22 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

#### Commencement Information

**I24** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

37 (1) Section 77 (orders and regulations) is amended as follows.

(2) In subsection (5)—

- (a) after “No” there is inserted “ regulations or ”, and
- (b) after “section” there is inserted “ 6A or ”.

(3) In subsection (6)(b) after “regulations” there is inserted “ (other than regulations under section 6A) ”.

#### Commencement Information

**I25** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

38 In Schedule 4 (modifications for Northern Ireland), in paragraph 7, for “3(6), 7(5), 8(5) or 9(8)” there is substituted “ 3(6), 7A(8) or 8(5) ”.

#### Commencement Information

**I26** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

#### *Sexual Offences (Protected Material) Act 1997 (c. 39)*

39 In section 9(4) of the Sexual Offences (Protected Material) Act 1997 (which, when in force, will add a subsection (6) to section 1 of the Criminal Procedure and Investigations Act 1996), for “section 3, 7 or 9” there is substituted “ section 3 or 7A ”.

#### Commencement Information

**I27** Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by S.I. 2005/1817, [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

*Status: Point in time view as at 08/04/2013. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 36 is up to date with all changes known to be in force on or before 22 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## PART 4

### TRIALS ON INDICTMENT WITHOUT A JURY

#### *Indictments Act 1915 (c. 90)*

- 40 (1) Section 5 of the Indictments Act 1915 (orders for amendment of indictment, separate trial and postponement of trial) is amended as follows.
- (2) In subsection (5)(a) for “are to” there is substituted “ (if there is one) ”.
- (3) In subsection (5)(b) after “discharged” there is inserted “ under paragraph (a) ”.

#### Commencement Information

**I28** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

#### *Criminal Law Act 1967 (c. 58)*

- 41 In section 6(4) of the Criminal Law Act 1967 (trial of offences) after “jury” there is inserted “ or otherwise act ”.

#### Commencement Information

**I29** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

#### *Criminal Justice Act 1967 (c. 80)*

- 42 In section 17 of the Criminal Justice Act 1967 (entry of verdict of not guilty by order of a judge)—
- (a) for “the defendant being given in charge to a jury” there is substituted “ any further steps being taken in the proceedings ”, and
- (b) after “verdict of a jury” there is inserted “ or a court ”.

#### Commencement Information

**I30** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

#### *Criminal Law Act (Northern Ireland) 1967 (c. 18)*

- 43 In section 6(3) of the Criminal Law Act (Northern Ireland) 1967 (trial of offences) after “jury” there is inserted “ or otherwise act ”.

**Status:** Point in time view as at 08/04/2013. This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Criminal Justice Act 2003, SCHEDULE 36 is up to date with all changes known to be in force on or before 22 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

#### Commencement Information

- I31** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, [art. 2](#)

#### *Criminal Appeal Act 1968 (c. 19)*

- 44 In section 7(2)(c) of the Criminal Appeal Act 1968 (power to order retrial)—
- (a) for “the jury were discharged from giving a verdict” there is substituted “no verdict was given”, and
  - (b) for “convicting him” there is substituted “his being convicted”.

#### Commencement Information

- I32** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, [art. 2](#)

#### *Judicature (Northern Ireland) Act 1978 (c. 23)*

- 45 (1) Section 48 of the Judicature (Northern Ireland) Act 1978 (committal for trial on indictment) is amended as follows.
- (2) In subsection (6A) for “the jury are sworn” there is substituted “the time when the jury are sworn”.
- (3) After subsection (6A) there is inserted—
- “(6B) The reference in subsection (6A) to the time when the jury are sworn includes the time when the jury would be sworn but for—
- (a) the making of an order under Part 7 of the Criminal Justice Act 2003, or
  - (b) the application of [<sup>F1</sup>section 5 of the Justice and Security (Northern Ireland) Act 2007].”

#### Textual Amendments

- F1** Words in Sch. 36 para. 45(3) substituted (1.8.2007 and shall expire (1.8.2009) in accordance with s. 9(1) of the amending Act) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\), ss. 8, 53, Sch. 1 para. 4; S.I. 2007/2045, art. 2\(2\)\(3\)\(h\)\(q\)](#) (with [art. 3](#)); with saving (N.I.) (at the end of 31.7.2007) by [The Terrorism \(Northern Ireland\) Act 2006 \(Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2259\), art. 2](#)

#### Commencement Information

- I33** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, [art. 2](#)

**Status:** Point in time view as at 08/04/2013. This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Criminal Justice Act 2003, SCHEDULE 36 is up to date with all changes known to be in force on or before 22 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

*Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

- 46 In section 6(3)(c) of the Criminal Appeal (Northern Ireland) Act 1980 (power to order retrial) for “the jury were discharged from giving a verdict” there is substituted “ no verdict was given ”.

**Commencement Information**

- I34** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

*Supreme Court Act 1981 (c. 54)*

- 47 (1) Section 76 of the Supreme Court Act 1981 (committal for trial: alteration of place of trial) is amended as follows.
- (2) In subsection (2A) for “the jury are sworn” there is substituted “ the time when the jury are sworn ”
- (3) After subsection (2A) there is inserted—
- “(2B) The reference in subsection (2A) to the time when the jury are sworn includes the time when the jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

**Commencement Information**

- I35** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

*Police and Criminal Evidence Act 1984 (c. 60)*

- 48 (1) Section 77 of the Police and Criminal Evidence Act 1984 (confessions of mentally handicapped persons) is amended as follows.
- (2) In subsection (1) after “indictment” there is inserted “ with a jury ”.
- (3) In subsection (2) after “indictment” there is inserted “ with a jury ”.
- (4) After subsection (2) there is inserted—
- “(2A) In any case where at the trial on indictment without a jury of a person for an offence it appears to the court that a warning under subsection (1) above would be required if the trial were with a jury, the court shall treat the case as one in which there is a special need for caution before convicting the accused on his confession.”

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*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 36 is up to date with all changes known to be in force on or before 22 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**I36** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

#### *Prosecution of Offences Act 1985 (c. 23)*

49 The Prosecution of Offences Act 1985 is amended as follows.

#### Commencement Information

**I37** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

50 In section 7A(6)(a) (powers of non-legal staff) for “by a jury” there is substituted “on indictment”.

#### Commencement Information

**I38** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

51 (1) Section 22 (power of Secretary of State to set time limits in relation to preliminary stages of criminal proceedings) is amended as follows.

(2) In subsection (11A)—

- (a) for “when a jury is sworn” there is substituted “at the time when a jury is sworn”,
- (b) for “a jury is sworn” there is substituted “the time when a jury is sworn”.

(3) After that subsection there is inserted—

“(11AA) The references in subsection (11A) above to the time when a jury is sworn include the time when that jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

#### Commencement Information

**I39** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by S.I. 2006/1835, **art. 2** (subject to **art. 3**); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by S.I. 2006/3422, **art. 2**

#### *Criminal Justice Act 1987 (c. 38)*

52 The Criminal Justice Act 1987 is amended as follows.

*Status: Point in time view as at 08/04/2013. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 36 is up to date with all changes known to be in force on or before 22 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**I40** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 53 (1) Section 7 (power to order preparatory hearing) is amended as follows.
- (2) In subsection (1) for “the jury are sworn” there is substituted “ the time when the jury are sworn ”.
- (3) After subsection (2) there is inserted—
- “(2A) The reference in subsection (1) above to the time when the jury are sworn includes the time when the jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

#### Commencement Information

**I41** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 54 (1) Section 9 (the preparatory hearing) is amended as follows.
- (2) In subsection (4)(b) for “the jury” there is substituted “ a jury ”.
- (3) In subsection (13) for “no jury shall be sworn” there is substituted “ the preparatory hearing shall not be concluded ”.

#### Commencement Information

**I42** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 55 (1) Section 10 (later stages of trial) is amended as follows.
- (2) In subsection (2) after “jury” there is inserted “ or, in the case of a trial without a jury, the judge ”.
- (3) In subsection (3) for “deciding whether to give leave” there is substituted “ doing anything under subsection (2) above or in deciding whether to do anything under it ”.
- (4) In subsection (4) for “Except as provided by this section” there is substituted “ Except as provided by this section, in the case of a trial with a jury ”.

#### Commencement Information

**I43** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)



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*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 36 is up to date with all changes known to be in force on or before 22 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (S.I. 1988/1846 (N.I. 16))*

56 The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 is amended as follows.

**Commencement Information**

**I44** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 57 (1) Article 6 (power to order preparatory hearing) is amended as follows.
- (2) In paragraph (1) for “the jury are sworn” there is substituted “ the time when the jury are sworn ”.
- (3) After paragraph (2) there is inserted—
- “(2A) The reference in paragraph (1) to the time when the jury are sworn includes the time when the jury would be sworn but for—
- (a) the making of an order under Part 7 of the Criminal Justice Act 2003,  
or
- (b) the application of section 75 of the Terrorism Act 2000.”

**Commencement Information**

**I45** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 58 (1) Article 8 (the preparatory hearing) is amended as follows.
- (2) In paragraph (4)(b) for “the jury” there is substituted “ a jury ”.
- (3) In paragraph (12) for “no jury shall be sworn” there is substituted “ the preparatory hearing shall not be concluded ”.

**Commencement Information**

**I46** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 59 (1) Article 9 (later stages of trial) (as originally enacted) is amended as follows.
- (2) In paragraph (1) after “jury” there is inserted “ or, in the case of a trial without a jury, the judge ”.
- (3) In paragraph (2) for “deciding whether to give leave” there is substituted “ doing anything under paragraph (1) or in deciding whether to do anything under it ”.
- (4) In paragraph (3) for “Except as provided by this Article” there is substituted “ Except as provided by this Article, in the case of a trial with a jury ”.

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*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 36 is up to date with all changes known to be in force on or before 22 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### **Commencement Information**

**I47** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 60 (1) Article 9 (later stages of trial) (as substituted by paragraph 6 of Schedule 3 to the Criminal Procedure and Investigations Act 1996 (c. 25)) is amended as follows.
- (2) In paragraph (2) after “jury” there is inserted “ or, in the case of a trial without a jury, the judge ”.
- (3) In paragraph (3) for “deciding whether to give leave” there is substituted “ doing anything under paragraph (2) or in deciding whether to do anything under it ”.
- (4) In paragraph (4) for “Except as provided by this Article” there is substituted “ Except as provided by this Article, in the case of a trial with a jury ”.

#### **Commencement Information**

**I48** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

#### *Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))*

- 61 (1) Article 75 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (confessions of mentally handicapped persons) is amended as follows.
- (2) In paragraph (1) after “indictment” there is inserted “ with a jury ”.
- (3) In paragraph (2) after “indictment” there is inserted “ with a jury ”.
- (4) After paragraph (2) there is inserted—
- “(2A) In any case where at the trial on indictment without a jury of a person for an offence it appears to the court that a warning under paragraph (1) would be required if the trial were with a jury, the court shall treat the case as one in which there is a special need for caution before convicting the accused on his confession.”

#### **Commencement Information**

**I49** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

#### *Criminal Justice and Public Order Act 1994 (c. 33)*

- 62 The Criminal Justice and Public Order Act 1994 is amended as follows.

*Status: Point in time view as at 08/04/2013. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 36 is up to date with all changes known to be in force on or before 22 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Commencement Information**

**I50** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 63 In section 35(2) (effect of accused’s silence at trial) after “indictment” there is inserted “ with a jury ”.

**Commencement Information**

**I51** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 64 In section 51(10)(b) (intimidation of witnesses, jurors and others) after “finding” there is inserted “ otherwise than in circumstances where the proceedings are continued without a jury ”.

**Commencement Information**

**I52** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

*Criminal Procedure and Investigations Act 1996 (c. 25)*

- 65 The Criminal Procedure and Investigations Act 1996 is amended as follows.

**Commencement Information**

**I53** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 66 (1) Section 29 (power to order preparatory hearing) is amended as follows.
- (2) In subsection (1)(a) for “the jury are sworn” there is substituted “ the time when the jury are sworn ”.
- (3) After subsection (4) there is inserted—
- “(5) The reference in subsection (1)(a) to the time when the jury are sworn includes the time when the jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

**Commencement Information**

**I54** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

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- 67 In section 31(4)(b) (the preparatory hearing) for “the jury” there is substituted “ a jury ”.

**Commencement Information**

**I55** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 68 (1) Section 34 (later stages of trial) is amended as follows.
- (2) In subsection (2) after “jury” there is inserted “ or, in the case of a trial without a jury, the judge ”.
- (3) In subsection (3) for “deciding whether to give leave” there is substituted “ doing anything under subsection (2) or in deciding whether to do anything under it ”.
- (4) In subsection (4) for “Except as provided by this section” there is substituted “ Except as provided by this section, in the case of a trial with a jury ”.

**Commencement Information**

**I56** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 69 In section 35(2) (appeals to Court of Appeal) for “no jury shall be sworn” there is substituted “ the preparatory hearing shall not be concluded ”.

**Commencement Information**

**I57** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 70 In section 36(2) (appeals to House of Lords) for “no jury shall be sworn” there is substituted “ the preparatory hearing shall not be concluded ”.

**Commencement Information**

**I58** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 71 (1) Section 39 (meaning of pre-trial hearing) is amended as follows.
- (2) In subsection (3)—
- (a) for “when a jury is sworn” there is substituted “ at the time when a jury is sworn ”,
- (b) for “a jury is sworn” there is substituted “ the time when a jury is sworn ”.
- (3) After that subsection there is inserted—

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“(4) The references in subsection (3) to the time when a jury is sworn include the time when that jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003.”

**Commencement Information**

**I59** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 72 (1) Schedule 4 (modifications for Northern Ireland) is amended as follows.
- (2) In paragraph 15 after the substituted version of section 39(2) there is inserted—
- “(2A) But, for the purposes of this Part, a hearing of the kind mentioned in section 45(2)(b) of the Criminal Justice Act 2003 is not a pre-trial hearing.”
- (3) In paragraph 15 in paragraph (b) of the substituted version of section 39(3)—
- (a) for “when a jury is sworn” there is substituted “ at the time when a jury is sworn ”, and
- (b) for “a jury is sworn” there is substituted “ the time when a jury is sworn ”.
- (4) After paragraph 15 there is inserted—
- “15A In section 39(4) for “(3)” substitute “ (3)(b) ”.”

**Commencement Information**

**I60** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

*Crime and Disorder Act 1998 (c. 37)*

- 73 In paragraph 2(2) of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal) for “a jury properly to convict him” there is substituted “ him to be properly convicted ”.

**Commencement Information**

**I61** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

*Youth Justice and Criminal Evidence Act 1999 (c. 23)*

- 74 The Youth Justice and Criminal Evidence Act 1999 is amended as follows.

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**Commencement Information**

**I62** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

75 In section 32 (warning to jury) after “indictment” there is inserted “ with a jury ”.

**Commencement Information**

**I63** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

76 In section 39(1) (warning to jury) after “indictment” there is inserted “ with a jury ”.

**Commencement Information**

**I64** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

77 In paragraph 19(6)(c) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (general interpretation) after “finding” there is inserted “ otherwise than in circumstances where the proceedings are continued without a jury ”.

**Commencement Information**

**I65** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

*Proceeds of Crime Act 2002 (c. 29)*

78 In section 316(9)(c) of the Proceeds of Crime Act 2002 (general interpretation) after “finding” there is inserted “ otherwise than in circumstances where the proceedings are continued without a jury ”.

**Commencement Information**

**I66** Sch. 36 Pt. 4 wholly in force at 8.1.2007; Sch. 36 Pt. 4 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 4 in force for E.W. at 24.7.2006 by [S.I. 2006/1835](#), [art. 2](#) (subject to [art. 3](#)); Sch. 36 Pt. 4 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

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## PART 5

### EVIDENCE

#### *Criminal Procedure Act 1865 (c. 18)*

- 79 In section 6 of the Criminal Procedure Act 1865 (witness’s conviction for offence may be proved if not admitted)—
- (a) for “A witness may be” there is substituted “ If, upon a witness being lawfully ”;
  - (b) the words “and upon being so questioned, if” are omitted.

#### *Criminal Evidence Act 1898 (c. 36)*

- 80 In section 1 of the Criminal Evidence Act 1898 (defendant as witness)—
- (a) at the beginning of subsection (2) there is inserted “ Subject to section 101 of the Criminal Justice Act 2003 (admissibility of evidence of defendant’s bad character), ”;
  - (b) subsection (3) is omitted.

#### *Army Act 1955 (c. 18)*

- 81 F2 .....

#### **Textual Amendments**

- F2** Sch. 36 paras. 81-84 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), 378(2), 383, {Sch. 17}; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### **Commencement Information**

- I67** Sch. 36 para. 81 wholly in force at 4.4.2005; Sch. 36 para. 81 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 81 in force for certain purposes at 1.1.2005 by [S.I. 2004/3033](#), [art. 4](#); Sch. 36 para. 81 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(b\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### *Air Force Act 1955 (c. 19)*

- 82 F3 .....

#### **Textual Amendments**

- F3** Sch. 36 paras. 81-84 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), 378(2), 383, {Sch. 17}; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### **Commencement Information**

- I68** Sch. 36 para. 82 wholly in force at 4.4.2005; Sch. 36 para. 82 not in force at Royal Assent, see s. 336(3); Sch. 39 para. 82 in force for certain purposes at 1.1.2005 by [S.I. 2004/3033](#), [art. 4](#); Sch. 36 para. 82 in

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force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 43(b) (subject to **art. 2(2)**, Sch. 2)

### Naval Discipline Act 1957 (c. 53)

83

F4

#### Textual Amendments

**F4** Sch. 36 paras. 81-84 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by **Armed Forces Act 2006 (c. 52)**, 378(2), 383, {Sch. 17}; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

#### Commencement Information

**I69** Sch. 36 para. 83 wholly in force at 4.4.2005; Sch. 36 para. 83 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 83 in force for certain purposes at 1.1.2005 by S.I. 2004/3033, **art. 4**; Sch. 36 para. 83 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 43(b) (subject to **art. 2(2)**, Sch. 2)

### Armed Forces Act 1976 (c. 52)

84

F5

#### Textual Amendments

**F5** Sch. 36 paras. 81-84 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by **Armed Forces Act 2006 (c. 52)**, 378(2), 383, {Sch. 17}; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

#### Commencement Information

**I70** Sch. 36 para. 84 wholly in force at 4.4.2005; Sch. 36 para. 84 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 84 in force for certain purposes at 1.1.2005 by S.I. 2005/3033, **art. 4**; Sch. 36 para. 84 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 43(b) (subject to **art. 2(2)**, Sch. 2)

### Police and Criminal Evidence Act 1984 (c. 60)

- 85 (1) Section 74 of the Police and Criminal Evidence Act 1984 (conviction as evidence of commission of offence) is amended as follows.
- (2) In subsection (1) (commission of offence by non-defendant) for the words from “, where to do so” to “committed that offence” there is substituted “ that that person committed that offence, where evidence of his having done so is admissible ”.
- (3) In subsection (3) (commission of offence by defendant) the words from “in so far” to “he is charged,” are omitted.



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## PART 6

### MISCELLANEOUS

#### *Criminal Appeal Act 1968 (c. 19)*

86 The Criminal Appeal Act 1968 is amended as follows.

#### **Commencement Information**

**I71** Sch. 36 para. 86 wholly in force at 1.9.2004, see s. 336(3) and [S.I. 2004/1629](#), **art. 3(1)(2)** (subject to [art. 3\(3\)\(4\)](#))

87 In section 31(1) (powers of Court of Appeal exercisable by single judge) after paragraph (a) there is inserted—

“(aa) the power to give leave under section 14(4B) of the Criminal Appeal Act 1995;”.

#### **Commencement Information**

**I72** Sch. 36 para. 87 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 43\(c\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

88 In section 31A (powers of Court of Appeal exercisable by registrar) after subsection (4) there is inserted—

“(5) In this section “respondent” includes a person who will be a respondent if leave to appeal is granted.”

#### **Commencement Information**

**I73** Sch. 36 para. 88 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 43\(c\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

89 In section 45 (construction of references to Court of Appeal)—

(a) in subsection (1), for “section 44A” there is substituted “ sections 44A and 51 ”,

(b) in subsection (2) after “sections” there is inserted “ 23A, ”.

#### **Commencement Information**

**I74** Sch. 36 para. 89 wholly in force at 1.9.2004, see s. 336(3) and [S.I. 2004/1629](#), **art. 3(1)(2)** (subject to [art. 3\(3\)\(4\)](#))

90 (1) Section 51 (interpretation) is amended as follows.

(2) In subsection (1) the definition of “the defendant” is omitted.

(3) After that subsection there is inserted—

“(1A) In Part 2 of this Act “the defendant”—

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- (a) in relation to an appeal under section 33(1) of this Act against a decision of the Court of Appeal on an appeal under Part 1 of this Act, means the person who was the appellant before the Court of Appeal,
  - (b) in relation to an appeal under section 33(1) of this Act against any other decision, means a defendant in the proceedings before the Crown Court who was a party to the proceedings before the Court of Appeal, and
  - (c) in relation to an appeal under section 33(1B) of this Act, shall be construed in accordance with section 33(4) of this Act;
- and, subject to section 33(1A) of this Act, “prosecutor” shall be construed accordingly.”

#### Commencement Information

**I75** Sch. 36 para. 90 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 43\(c\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### *Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

91 The Criminal Appeal (Northern Ireland) Act 1980 is amended as follows.

#### Commencement Information

**I76** Sch. 36 para. 91 wholly in force at 8.1.2007; Sch. 36 para. 91 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 91 in force for certain purposes at 4.4.2005 and 18.5.2005 by [S.I. 2005/950, arts. 2\(1\), 3, Sch. 1 para. 43\(c\)](#); Sch. 36 para. 91 in force in so far as not already in force at 8.1.2007 by [S.I. 2006/3422, art. 2](#)

- 92 (1) Section 19 (legal aid) is amended as follows.
- (2) In subsection (1) after “an appeal” there is inserted “ under this Part of this Act ”.
  - (3) In subsection (1A) for “for the purpose” there is substituted “ in respect ”.
  - (4) In subsection (1A)(a)—
    - (a) the words “application for leave to” are omitted, and
    - (b) after “hearings)” there is inserted “ or section 47 of the Criminal Justice Act 2003 ”.
  - (5) For subsection (1A)(b) there is substituted—
    - “(b) any other appeal to the Court of Appeal under any Northern Ireland legislation (whenever passed or made) from proceedings before the Crown Court; or
    - (c) an application for leave to appeal in relation to an appeal mentioned in paragraph (a) or (b) above.”
  - (6) After subsection (1A) there is inserted—
    - “(1B) The Crown Court or the Court of Appeal may order that an acquitted person shall be given legal aid in respect of an application made in relation to him under section 76 of the Criminal Justice Act 2003.”
  - (7) In subsection (3) for “an appellant” there is substituted “ a person ”.

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#### Commencement Information

**I77** Sch. 36 para. 91 wholly in force at 8.1.2007; Sch. 36 para. 91 not in force at Royal Assent, see s. 336(3); Sch. 36 para. 90(6) in force at 18.4.2005 by [S.I. 2005/950](#), [art. 3](#); Sch. 36 para. 91(1)-(5)(7) in force at 8.1.2007 by [S.I. 2006/3422](#), [art. 2](#)

- 93 (1) Section 28 (costs) is amended as follows.
- (2) In subsection (2)(a) for “this Part” there is substituted “ section 19(1) ”.
- (3) After subsection (2) there is inserted—
- “(2AA) The expenses of any solicitor or counsel assigned to a person pursuant to a grant of legal aid under section 19(1A) or (1B) of this Act shall, up to an amount allowed by the Master (Taxing Office), be defrayed by the Lord Chancellor.”
- (4) In subsection (2A) after “(2)(a)” there is inserted “ or (2AA) ”.
- (5) In subsection (2G)—
- (a) after “(2)(a)” there is inserted “ or (2AA) ”, and
- (b) for “subsection (2)” there is substituted “ subsections (2) and (2AA) ”.
- 94 For section 31(3) (definition of defendant and prosecutor) there is substituted—
- “(3) In this Part of this Act “the defendant”—
- (a) in relation to an appeal under subsection (1) above against a decision of the Court on an appeal under Part 1 of this Act, means the person who was the appellant before the Court;
- (b) in relation to an appeal under subsection (1) above against any other decision, means a defendant in the proceedings before the Crown Court who was a party to the proceedings before the Court;
- (c) in relation to an appeal under subsection (1B) above, shall be construed in accordance with subsection (4) below;
- and, subject to subsection (1A) above, “prosecutor” shall be construed accordingly.”
- 95 In section 45 (powers of Court of Appeal exercisable by single judge) after subsection (3B) there is inserted—
- “(3C) Subject to section 44(4) above, the power of the Court of Appeal to give leave under section 14(4B) of the Criminal Appeal Act 1995 may be exercised by a single judge of the Court.”

#### Commencement Information

**I78** Sch. 36 para. 95 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(c\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

#### Criminal Justice Act 1988 (c. 33)

- 96 In section 36 of the Criminal Justice Act 1988 (reviews of sentencing)—
- (a) in subsection (3), for “10” there is substituted “ 11 ”,

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(b) in subsection (9)(b), for “10 and 35(1)” there is substituted “ 11 and 35(1) ”.

**Commencement Information**

**I79** Sch. 36 para. 96 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(c\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

*Criminal Appeal Act 1995 (c. 35)*

97 In section 15(2)(a) of the Criminal Appeal Act 1995 (investigations by Criminal Cases Review Commission for Court of Appeal) for “case”, in both places where it occurs, there is substituted “ appeal or application for leave to appeal ”.

**Commencement Information**

**I80** Sch. 36 para. 97 wholly in force at 1.9.2004, see s. 336(3) and [S.I. 2004/1629](#), [art. 3\(1\)\(2\)](#) (subject to [art. 3\(3\)\(4\)](#))

PROSPECTIVE

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

F<sup>698</sup> .....

**Textual Amendments**

**F6** Sch. 36 para. 98 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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